From:	GILLES Bruce A
To:	Howard Orlean/R10/USEPA/US@EPA
Cc:	ANDERSON Jim M; Chip Humphrey/R10/USEPA/US@EPA; MCCLINCY Matt; MCKNIGHT Brett; Mike Slater/R10/USEPA/US@EPA
Subject:	RE: UNIVAR Facility - Proposed RCRA Remedy Selection
Date:	09/11/2006 05:00 PM

Howard,

Thanks for your timely response. Responses to your follow-up questions or comments are provided below.

Bruce A. Gilles, Manager
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Department of Environmental Quality
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-----Original Message-----
From: Orlean.Howard@epamail.epa.gov [mailto:Orlean.Howard@epamail.epa.gov]
Sent: Thursday, September 07, 2006 10:47 AM
To: GILLES Bruce A
Cc: ANDERSON Jim M; humphrey.chip@epamail.epa.gov; MCCLINCY Matt; MCKNIGHT Brett; slater.mike@epamail.epa.gov; PEDERSEN Dick
Subject: Re: UNIVAR Facility - Proposed RCRA Remedy Selection

Hi Bruce;
Thanks for your comments. While this is not an "official" response, I do have a couple of questions which will help me address your comments.

1. Specific groundwater cleanup levels were not developed.for the on-site trench worker because institutional controls will require protective clothing and equipment during trenching activities on site. This was one of the groundwater corrective action objectives outlined in Section 5.3.2 of the Statement of Basis. On-site health and safety
(institutional) controls are also part of the proposed remedy outlined in Section 7. Is this sufficient or does DEQ require something further?

Typically, cleanup levels are developed for all potentially applicable exposure pathways and then areas of the facility that contain contaminants above those levels are identified where response actions are necessary to protect human health and/or the environment. Without numerical cleanup goals for certain exposure pathways, future decisions to discontinue certain institutional controls identified in the proposed plan will need to be based on a residual risk assessment. Without such an assessment, DEQ would employ our default risk-based concentrations (RBCs) for this exposure pathway if and when the site is transferred to DEQ for O&M and closure.

2. Site-specific risk-based cleanup levels were developed for this facility based on data collected during the RFI, CMS and interim measure phases. This is probably what accounts for the difference between DEQ's RBC levels and the proposed cleanup levels for this facility. My understanding is that site-specific levels are allowable under DEQ's Cleanup Rules. Is this a correct understanding?

DEQ did not review the assumptions used to develop the RBC levels. It is apparent by the differences between the site specific RBCs and the DEQ RBCs for the trench worker scenario that the assumptions diverged significantly to those DEQ would likely consider reasonable. Since these RBCs apply to off-site properties, DEQ would prefer that the final remedy adopt the generic RBCs found in DEQ's Risk Based Decision Making Guidance, dated September 2003.

3. We will work together with the Portland Harbor source control group to evaluate potential storm water releases from this facility. We can incorporate such a provision in the Final Remedy Selection, if needed. With respect to your comment #3 on this issue...I am not sure how we go about determining whether the groundwater contaminant plume is not being intercepted by the storm water system other than by videoing the system. Any additional insights as to how this can be accomplished would be appreciated.

Matt McClincy of DEQ can provide you with some feedback on how this is being evaluated at other Portland Harbor sites. Matt's number is (503) 229-5538.

Finally, we (EPA) had thought that we had communicated to DEQ that it was EPA's intent to transfer the facility once we reached the construction complete milestone. At this point it is our projection that this milestone will probably be reached in the 2008-2009 timeframe. I have also communicated this to the facility. If DEQ has some objection to this, please let us know.

DEQ will put transfer of this project into our planning of staff workload for that time frame. Transfer will require Univar's entering an agreement with DEQ similar to the agreement currently being finalized for transfer of the Boeing facility.

Thanks again -- Howard

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GILLES Bruce A
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09/06/2006 04:49 PM

To: Howard Orlean/R10/USEPA/US@EPA
cc: Mike Slater/R10/USEPA/US@EPA, MCKNIGHT Brett <MCKNIGHT.Brett@deq.state.or.us>, PEDERSEN Dick <PEDERSEN.Dick@deq.state.or.us>, ANDERSON Jim M <ANDERSON.Jim@deq.state.or.us>, Chip Humphrey/R10/USEPA/US@EPA, MCCLINCY Matt <MCCLINCY.Matt@deq.state.or.us>
Subject: UNIVAR Facility - Proposed RCRA Remedy Selection

Howard:
On behalf of the Department of Environmental Quality (DEQ), I reviewed the document titled: Statement of Basis Proposed RCRA Remedy Section, UNIVAR USA Inc., dated August 2006. I briefly worked on the project when the draft Corrective Measures Study (CMS) was issued. DEQ did not complete a detailed review of the final CMS Report issued in May 2006 in preparation of these comments. The focus of my review was threefold. First, is the proposed remedy protective as defined by Oregon Cleanup Statutes, second, are implementation risks acceptable under the same criteria and third, does the site characterization and proposed remedy meet the objectives of the December 2005 EPA/DEQ Portland Harbor Joint Source Control Strategy (JSCS).

1. Development of cleanup levels. The proposed cleanup levels for the site were developed to achieve an acceptable risk level of 1x10-6 for individual carcinogens and 1x10-5 cumulative cancer risk, and a harzard index of one for non-carcinogens. As a check on the proposed cleanup levels for soil and groundwater presented in Tables 2 and 3 of the Statement of Basis, I compared the cleanup levels to DEQ risk-based concentrations contained in DEQ's Risk-Based Decision Making for Petroleum Contaminated Sites, which were also developed using the Johnson and Ettinger model (JEM). Proposed cleanup levels for soil are in general at least one order in magnitude lower than the DEQ RBCs for the vapor or direct contact exposure pathways. The proposed soil cleanup levels are therefore protective under Oregon requirements. For groundwater, the cleanup levels for the vapor pathway are consistently at least 1 order in magnitude lower than the DEQ groundwater vapor intrusion RBCs and are therefore protective, although DEQ questions why the cleanup levels would differ between on-site and off-site for the same exposure pathway. The proposed groundwater cleanup levels for off-site trench workers, however, are at least 1 order in magnitude higher that the DEQ RBCs for this pathway. DEQ concludes, therefore, that the proposed remedy cleanup levels for trench workers are not protective to Oregon requirements. In addition, DEQ believes the cleanup levels should apply for both on-site and off-site trench workers. Not setting requirements for on-site trenching could be misinterpreted into the future to mean health and safety controls are not required.

2. Detailed Evaluation of Corrective Action Alternatives. The Statement of Basis does not provide a discussion of the results of the detailed evaluation to support the proposed corrective action. Under Oregon Cleanup Rules (see OAR 340-122-090), DEQ remedy selection also includes an evaluation of protectiveness in addition to the feasibility criterion noted in the Statement of Basis. As noted above, the proposed remedy does not appear to be protective to trench workers. In addition, DEQ also considers implementation risk in the evaluation of protectiveness. The current interim corrective actions (ICAs) have involved treatment of off-gas from the groundwater and SVE systems. DEQ is aware that the off-gas treatment system was marginally effective in treating vinyl chloride, which contained significant concentrations in the treated air emissions. The proposed remedy expands the treatment program and will presumably increase VOC emissions at the facility. The protectiveness of the remedy, therefore, is a significant concern of DEQ.

3. Portland Harbor Source Control Determination. In addition, DEQ has assumed certain responsibilities in ensuring source control measures are implemented for upland facilities within the Portland Harbor NPL site project boundaries. The UNIVAR site is located within the potential boundaries of the site where DEQ requires a source control determination for upland sites. The scope of the RCRA work conducted under the consent order discussed in the Statement of Basis does not indicate whether source control evaluations were performed under the oversight of EPA's RCRA Program to support the requirements of the EPA Superfund Program. My communications with DEQ's Portland Harbor project staff indicate a source control evaluation has not been conducted for the site. Since EPA is lead agency for the UNIVAR site, DEQ is deferring this task to EPA to determine what additional remedial measures beyond the proposed site remedy may be required for the site in accordance with the JSCS for Portland Harbor.

Site characterization does not appear to be sufficient to determine:

1. That hazardous substances potentially released at the site are or are not available for transport to the Willamette River via the stormwater system.

2. That hazardous substances released at the site have not accumulated in the storm water system (e.g., pipes) and are not an ongoing source of contaminants to the Willamette River.

3. That groundwater contaminant plumes are not being intercepted by the storm water system or other subsurface improvements and preferentially transported to the Willamette River.

4. That groundwater contaminant plumes are not or will not in the future reach the Willamette River. The Corrective Measures Study notes that the nature and distribution of contaminants in the deep aquifer is the subject of an ongoing supplemental investigation.

It is important for EPA to prioritize the necessary site characterization, evaluation and potential source control remedial measures such that they support the Portland Harbor project schedule.

As a final point, DEQ would like feedback from EPA on whether EPA plans on transferring this facility to the State for final remedy implementation oversight. As a condition of the transfer, a clean-up agreement between the facility and DEQ will need to be in place to address the Department's oversight costs associated with remedy implementation and O&M work. EPA should play a role in encouraging Univar to join the Department's cleanup program as part of implementing the final remedy. Otherwise EPA should plan on keeping this as an active site under their supervision.

I look forward to your responses to the DEQ comments. Sincerely,

Bruce Gilles

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